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13 **UNITED STATE DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 MOISES SERRANO, individually
16 and on behalf of all others similarly
17 situated,

18 Plaintiff,

19 vs.

20
21 OPEN ROAD DELIVERY
22 HOLDINGS, INC. d/b/a AMUSE,
23 and DOES 1 through 10, inclusive,

24 Defendant.

25 Case No. 2:22-cv-07245-SB-AS

26 **CLASS ACTION**

27 **DECLARATION OF TODD M.**
28 **FRIEDMAN RE: DISTRIBUTION**
29 **STATUS**

30 Assigned to the Honorable Stanley
31 Blumenfeld, Jr.

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33 **DECLARATION OF TODD M. FRIEDMAN**

34 I, TODD M. FRIEDMAN, declare:

35 1. I am one of the attorneys for the plaintiff in this action, Moises Serrano ("Mr.
36 Serrano" or "Plaintiff"). I am an attorney licensed to practice law in the State
37 of California.
38 2. The declaration is based upon my personal knowledge, except where
39 expressly noted otherwise.

3. Pursuant to the Court's Order Denying Joint Stipulation Re Final Compliance Hearing, attached hereto as Exhibit A is a true and correct copy of the declaration of Bradley D. Madden regarding distribution status.
4. Plaintiff requests an additional 90 days to file an additional declaration regarding final distribution, so that the final deadlines for cashing checks and distributing the *cy pres* award may pass.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on June 13, 2024.

By:/s/ Todd M. Friedman
Todd M. Friedman, Esq.

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EXHIBIT A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOISES SERRANO,

Plaintiff,

v.

OPEN ROAD DELIVERY HOLDINGS, INC.,

Defendant.

Case No. 2:22-cv-07245-SB-AS

DECLARATION OF BRADLEY D. MADDEN REGARDING DISTRIBUTION STATUS

I, BRADLEY D. MADDEN, hereby declare as follows:

I. INTRODUCTION

1. ***Personal Information.*** I am a Project Manager for the Court appointed Claims Administrator, Postlethwaite & Netterville, APAC (“P&N”). The following statements are based on my personal knowledge as well as information provided by other experienced employees working under my supervision.
2. ***The Capacity and Basis of this Declaration.*** I am over the age of 21. Except as otherwise noted, the matters set forth in this Declaration are based upon my personal knowledge, information received from the parties in this proceeding (the “Parties”), and information provided by my colleagues and our partners.

II. BACKGROUND

3. ***Final Approval.*** On December 13, 2023, the Court entered its Order Granting Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees and Costs, as well as the

Final Judgment. After the Court's final approval of the Settlement, P&N began to implement and coordinate the distribution of the Settlement Fund.

4. ***The Purpose of this Declaration.*** I submit this Declaration to advise the Court regarding the distribution activities completed and the current status of distribution of funds to Claimants.

III. SETTLEMENT FUND DISTRIBUTION

5. ***Payment to Class Counsel.*** On or about January 26, 2024, P&N initiated a wire transfer to Class Counsel in the amount of \$109,155.50 for Attorneys' fees and costs.
6. ***Payment to Class Representative.*** On or about April 10, 2024, P&N mailed a check for \$5,000.00 as a service payment to the Class Representative.
7. ***Payments to Claimants.*** As reported to the Court in our Final Approval declaration, there were 1,772 Class Members. All Class Members were due a payment based upon the number of text messages received from Open Road Delivery Holdings, LLC. On February 5, 2024, all 1,369 Class Members with a valid email address were sent a digital payment. On February 5, 2024, P&N coordinated and caused the mailing of settlement checks to be mailed via First-Class Mail to 341 Claimants without a valid email address but with a name and valid mailing address. For any initial Settlement Check returned as undeliverable or failed digital payment, P&N implemented standard practices in an attempt to obtain a new or current mailing address for that Settlement Class Member through (1) forwarding addresses provided by the USPS, (2) via skip trace searches using the LexisNexis third party vendor database, or (3) requests received directly from Settlement Class Members. Table 1 below provides a payment status summary.

| Table 1: Settlement Payment Summary | | |
|---|--------------|---------------------|
| Final Check Status | Count (#) | Dollars |
| Cleared Checks | 512 | \$86,434.24 |
| Cleared Digital Payments | 440 | \$71,457.60 |
| Total Successful Settlement Payments | 952 | \$157,891.84 |
| Outstanding Valid Payments (Check Reissues) | 395 | \$44,810.37 |
| Uncashed Expired Payments | 379 | \$34,080.09 |
| Total Settlement Payments | 1,726 | \$236,782.30 |
| Claimants Unreachable to Issue Payment | 46 | \$13,533.74 |

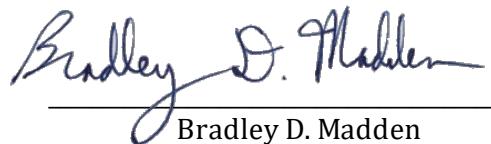
8. ***Outreach to Class Members.*** Class Members lacking sufficient information to issue payment (i.e. failed email address and no name) were sent a notice requesting the required information and providing a pre-paid return envelope as well as the settlement email address to respond. If a response was not received within 30 days, additional outreach was conducted, including phone calls to Class Members. Of the 62 Class Members sent a notice, 46 failed to respond to our multiple outreach requests.
9. ***Outstanding Valid Checks to Claimants.*** On April 10, 2024, P&N issued 698 physical checks to Claimants who had not redeemed their digital payment but had a physical mailing address or who had either requested a reissue or provided necessary information to issue a check. Of those, 395 remain valid and outstanding, amounting to \$44,810.37. These checks are due to expire after 90 days, on July 9, 2024.
10. ***Issuance of Cy Pres Payment.*** After the expiration of all valid checks on July 9, 2024, P&N will complete the necessary final accounting activities. The issuance of the cy pres payment to EPIC – Electronic Privacy Information Center is anticipated to occur with 10 days, expected no later than July 19, 2024. The cy pres payment will include all funds for uncashed expired payments (\$34,080.09), all funds to claimants who were unreachable to issue payment (\$13,533.74), and the portion of the outstanding valid payments/check reissues (\$44,810.37) that is unclaimed by

the check expiration date of July 9, 2024. Table 2 below summarizes the minimum and maximum cy pres payment.

| Table 2: Anticipated Cy Pres Payment Amount | |
|--|--------------------|
| Final Check Status | Dollars |
| Uncashed Expired Payments | \$34,080.09 |
| Claimants Unreachable to Issue Payment | \$13,533.74 |
| Minimum Cy Pres Payment | \$47,613.83 |
| Unclaimed Portion of Outstanding Valid Payments (Check Reissues) | \$44,810.37 |
| Maximum Cy Pres Payment | \$92,424.20 |

IV. CERTIFICATION

I, Bradley D. Madden, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge. Executed on this 12th day of June, 2024.



Bradley D. Madden

CERTIFICATE OF SERVICE

Filed electronically on this 13th day of June, 2024, with:

United States District Court CM/ECF system

Notification sent electronically on this 13th day of June, 2024, to:

Honorable Judge Stanley Blumenfeld Jr.
United States District Court
Central District of California

And all counsel of record as recorded on the ECF page.

s/Todd M. Friedman

Todd M. Friedman, Esq.